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6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF CALIFORNIA
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9 Michael Hopkins,) Civil No. 15cv788 JLS (PCL)
10 Plaintiff,)
11 v.) **ORDER DENYING MOTION FOR**
12 R. Bustos et al.,) **PRELIMINARY INJUNCTION**
13 Defendants.) **(Doc. 43.)**
14)

15 Plaintiff filed a motion for preliminary injunction against Defendants to provide him with “an
16 adequate and knowledgeable library technician assistant or send plaintiff to an institution where one is
17 available.” (Doc. 43.)

18 “A preliminary injunction is ‘an extraordinary and drastic remedy, on that should not be granted
19 unless the movant, by a clear showing, carries the burden of persuasion.’” Lopez v. Brewer, 680 F.3d
20 1068, 1072 (9th Cir. 2012) (quoting Mazurek v. Armstrong, 520 U.S. 968, 972 (1997)). A plaintiff
21 seeking a preliminary injunction must show that (1) he is likely to succeed on the merits, (2) he is likely
22 to suffer irreparable harm without an injunction, (3) the balance of equities tips in his favor, and (4) an
23 injunction is in the public interest. Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20
24 (2008).

25 Here, Plaintiff has not demonstrated that he is likely to suffer irreparable harm without an
26 injunction. As discussed in the settlement conference on July 7, 2016, Plaintiff has been placed in the
27 Developmental Disability Program, through which he has been able to receive extra help in preparing
28 his legal documents submitted to this court. However, he has not demonstrated how providing him a

1 library technician assistant would prevent irreparable harm to him. Although Plaintiff has had some
2 trouble in prosecuting his case, including not be able to serve two defendants in this case, the balance of
3 evidence before the court shows that Plaintiff has been given adequate access to legal materials and
4 legal assistance; in other words, he has the means to properly litigate his case. Moreover, Plaintiff has
5 not demonstrated to the court that he is likely to succeed on the merits of his case. For these reasons,
6 Plaintiff's motion for preliminary injunction is DENIED.

7 IT IS SO ORDERED.

8 DATED: July 7, 2016


Peter C. Lewis
U.S. Magistrate Judge